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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 ERNESTO CACERES ALEMAN,

10 Petitioner,

3:10-cv-00105-LRH-RAM

11 vs.

ORDER

13 HUMPHRIES, *et al.*,

14 Respondents.

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16 This habeas matter under 28 U.S.C. § 2254 comes before the Court for initial review of the
17 petition. The filing fee has been paid.

18 Petitioner is in Nevada state custody pursuant to a state judgment of conviction, and he names
19 his state custodian as a respondent. His petition, however, is directed to a federal immigration detainer.
20 Petitioner states that he “would like to be seen in I.N.S. or I.C.E. court to plead my case.” He alleges
21 that he came to the United States from El Salvador fourteen years ago and that he was granted political
22 asylum. He seeks an opportunity to become a United States citizen.

23 The Court does not have jurisdiction over the petition directed to the detainer because an
24 immigration detainer does not place a petitioner in custody for purposes of federal habeas jurisdiction
25 under 28 U.S.C. § 2241. *See, e.g., Campos v. Immigration and Naturalization Service*, 62 F.3d 311, 314
26 (9th Cir. 1995). Moreover, a claim by a non-citizen seeking to apply for consideration for possible
27 United States citizenship in any event is not cognizable in habeas corpus.

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1 IT THEREFORE IS ORDERED that the Clerk of Court shall file the petition and that the
2 petition is DISMISSED without prejudice for lack of jurisdiction.

3 The Clerk of Court shall enter final judgment accordingly, dismissing the action without
4 prejudice.

5 DATED this 17th day of March, 2010.



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7 LARRY R. HICKS
8 UNITED STATES DISTRICT JUDGE
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